

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

RUSTY STRICKLAND,)	
ALAN AND AMY WEST FARMS,)	
ALAN WEST,)	
AMY WEST,)	
DOUBLE B FARMS, LLC, and)	
BRYAN BAKER,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:24-cv-00060-Z
)	
THE UNITED STATES DEPARTMENT OF)	
AGRICULTURE,)	
)	
THOMAS J. VILSACK, in his official capacity)	
as Secretary of the United States Department of)	
Agriculture,)	
)	
ZACH DUCHENEAUX, in his official capacity)	
as Administrator of the Farm Service Agency,)	
and)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

SUMMARY

Summary judgment is sought as to all claims. *See* Local Rule 56.3(a)(1).

MOTION

Plaintiffs Rusty Strickland, Alan and Amy West Farms, Alan West, Amy West, Double B Farms, LLC, and Bryan Baker hereby move under Federal Rule of Civil Procedure 56 for summary judgment in their favor against the United States Department of Agriculture (USDA) as to all

claims relating to the challenged programs: (1) Notice of Funds Availability; Emergency Relief Program (ERP), 87 Fed. Reg. 30164 (May 18, 2022); (2) Pandemic Assistance Programs and Agricultural Disaster Assistance Programs, Subpart S—Emergency Relief Program Phase 2, 88 Fed. Reg. 1862 (Jan. 11, 2023) (codified at 7 C.F.R. § 760.1901); (3) Subpart A—Coronavirus Food Assistance Program 2, *id.* at 1877 (codified at 7 C.F.R. § 9.201); (4) Subpart D—Pandemic Assistance Revenue Program, *id.* at 1879 (codified at 7 C.F.R. § 9.302); (5) Notice of Funds Availability; Emergency Livestock Relief Program (ELRP), 87 Fed. Reg. 19465 (Apr. 4, 2022); (6) Notice of Funds Availability; 2021 Emergency Livestock Relief Program (ELRP) Phase 2, 88 Fed. Reg. 66366 (Sept. 27, 2023); (7) Notice of Funds Availability; Emergency Relief Program 2022, 88 Fed. Reg. 74404 (Oct. 31, 2023); (8) Notice of Funds Availability; Emergency Livestock Relief Program (ELRP) 2022, 88 Fed. Reg. 66361 (Sept. 27, 2023).

Specifically, Plaintiffs seek summary judgment in their favor on their claims that USDA (1) unlawfully discriminated based on race in the challenged programs; (2) unlawfully discriminated based on sex in the challenged programs; (3) unlawfully discriminated based on race and sex without statutory authority in the challenged programs; and (4) unlawfully promulgated progressive factoring arbitrarily and capriciously.

Dated: August 28, 2024.

Respectfully submitted,

/s/ Braden H. Boucek
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CERTIFICATE OF COMPLIANCE

This brief conforms to the requirements of Local Rules 7.2 and 56.3. It was prepared in 12-point Times New Roman Font. It is double-spaced and has margins that are at least one inch on all four sides. No text other than page numbers are in the margins.

Respectfully submitted,

/s/ Braden H. Boucek
BRADEN H. BOUCEK

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Respectfully submitted,

/s/ Braden H. Boucek
BRADEN H. BOUCEK